

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

GAYLE T. MOORE,	)	C.A. No. 4:04-22617-TLW
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER</b>
	)	
JO ANNE B. BARNHART,	)	
COMMISSIONER OF SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	
	)	
	)	

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In this social security case, the plaintiff seeks judicial review of the final decision of the Commissioner denying her application for supplemental security income. In particular, the plaintiff alleges an inability to work due to Crohn’ s disease, cervical cancer, and hip problems.

This matter now comes before the undersigned for review of the Report and Recommendation (“ the Report”) filed by United States Magistrate Judge Thomas E. Rogers. III, to whom this case had previously been assigned. In his Report, Magistrate Judge Rogers recommends that the instant case be remanded back to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative action. As reasoned by the Magistrate Judge:

The Appeals Council did not state its reasons for concluding that the additional evidence, Dr. Allen’ s report and Dr. Klett’ s medical records, failed to provide a basis for reversing the decision of the ALJ nor why they were not supportive of Dr. Wilkoszewski’ s opinion in his residual functional capacity questionnaire. The Appeals Council issued its decision stating a conclusion only. That procedure is arguably insufficient to enable a reviewing District Court “ to discharge its statutory function of determining whether the findings of the Commissioner are supported by substantial evidence.”

Neither party has filed any objections to the Report.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge’ s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As stated above, no objections have been filed to the Report.

In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4<sup>th</sup> Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED** that the instant case is **REMANDED** back to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative action.

Upon remand, the Commissioner should explicitly indicate if the additional evidence submitted to the Appeals Council was considered, whether that evidence suffices as a basis for changing the administrative law judge’ s decision, and the rationale utilized in making such conclusions.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
United States District Court Judge

January 5, 2006  
Florence, South Carolina